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Docket No.: E3331.0485/P485
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:

Gregory D. Mills et al.

Allowed October 11, 2005

Application No.: 09/603,514

Confirmation Number: 9916

Filed: June 23, 2000

Art Unit: 3624

Issued April 4, 2006 as USP 7,024,386

For: CREDIT HANDLING IN AN
ANONYMOUS TRADING SYSTEM

Examiner: Ella Colbert

**REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. 705(d) OF PATENT
TERM ADJUSTMENT DETERMINATION**

Commissioner for Patents
Mail Stop Petitions
P.O. Box 1450
Alexandria, VA 22313-1450

Attn. Mr. Kery Fries, Office of Patent Legal Administration

Dear Sir:

Patentees request reconsideration and correction of the 559 day Patent Term Adjustment listed on the face of the above-identified U.S. Patent 7,024,386. It is requested that the Patent Term Adjustment be corrected to the 582 day Patent Term Adjustment that was originally indicated on the Notice of Allowance.

The Notice of Allowability dated October 11, 2005 indicated, under Detailed Action, Page 2, no. 3, that new corrected drawings were required. In particular, the Examiner took the position that "Figures 2, 4, 5, and 6 contain[] shading which needs to be removed for clarity."

However, the issue of shading in the drawings had already been resolved with the filing of formal drawings (ten sheets, twelve figures) previously submitted on July 26, 2005, together with the Amendment After Final Action. In fact, *no corrected drawings were due* as they had already been filed.

After receiving the Notice of Allowability with the incorrect indication of drawings being due, Applicants' undersigned representative spoke by telephone to Mr. Kery Fries of the U.S.P.T.O. The undersigned expressed concern to Mr. Fries that any communication relating to the drawings might result in a loss of Patent Term Adjustment because it would be logged into the PALM system as a "miscellaneous paper," even though it would be response to an erroneous requirement. Mr. Fries said that a paper pointing out that no drawing corrections are actually due, and requesting a corrected Notice of Allowability, should not affect Patent Term Adjustment since it would not constitute a "failure to engage." However, Mr. Fries suggested that if we file such a paper, we carefully review the issue notification in case the paper is incorrectly treated as a miscellaneous paper, which might result in a reduction of Patent Term Adjustment.

A Request for Corrected Notice of Allowability was filed December 27, 2005, in which Applicants requested issuance of a Corrected Notice of Allowability in view of the erroneous requirement for corrected drawings. The Request included a copy of the returned-receipt postcard as evidence of the filing of the drawings. Moreover, the Request pointed out that the drawings filed by Applicants were accessible on the U.S. Patent and Trademark Office's PAIR web site, with the date stamp on each sheet.

Because no response was received from the U.S.P.T.O. by the time the Issue Fee was due, and because failure to respond by the Issue Fee due date to an outstanding requirement for corrected drawings would result in abandonment of the application, the Issue Fee payment was accompanied by a Communication Regarding Requirement for Corrected

Drawings that reiterated the facts that had been set forth in the Request for Corrected Notice of Allowability.

An Acknowledgement of Request was issued by the U.S.P.T.O. on January 18, 2006, after payment of the Issue Fee. The Acknowledgement stated that a Corrected Notice of Allowability would not be mailed, but indicated that the office had verified that the "drawings filed on July 26, 2005 are accepted by the U.S. Patent and Trademark Office."

Subsequently, an Issue Notification was mailed that listed a Patent Term Adjustment of 559 days, instead of the 582 days listed on the Notice of Allowance, indicating that the filing of the papers relating to the incorrect requirement for correct drawings had resulted in a reduction of 23 days from the Patent Term Adjustment. After leaving a telephone voice mail message with Mr. Fries to inform him of these facts, Mr. Fries left a voice mail message with the undersigned suggesting that the present request be filed under 37 C.F.R. 705(d).

In view of the fact that the requirement for corrected drawings was incorrect in the Notice of Allowance, and the necessity that this incorrect requirement be addressed by Applicants before payment of the issue fee to avoid abandonment of the application, the filing of these papers did not constitute a failure to engage. The Patentees request reconsideration of the Patent Term Adjustment determination of 559 days and request that it be reinstated to the 582 day determination listed on the Notice of Allowance. It is understood that any Certificate of Correction will be prepared by the Office.

No fee is believed due in view of the Examiner's mistake. If any fee is deemed to be due for consideration of this paper, it can be charged to Deposit Account No. 50-2215.

Dated: April 26, 2006

Respectfully submitted,

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